

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 30090
Docket No. MS-31647
94-3-93-3-556

PARTIES TO DISPUTE: (K.G. Plummer
(Consolidated Rail Corporation

STATEMENT OF CLAIM:

"This is an Ex Parte Submission within thirty (30) days covering an unadjusted dispute between myself and the Consolidated Railroad Corp. (Conrail), involving the assertions of Conrail that Federally required vehicle inspections are 'DE MINIMUS' in nature. Performed as required by both Federal law and Conrail policy, these DAILY inspections require approximately thirty (30) minutes to perform properly. I performed my daily inspections as per Federal regulations prior to 7:00 A.M. starting time, as ordered by my supervisor so as to have my vehicle ready to roll at 7:00 A.M.

The supervisor and production engineer refused to pay me for time involved in vehicle inspections,..." (Exhibit 7)

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

The claim as handled on the property is not the same claim as brought to this Board. The claim on the property sought compensation for Claimant working his meal period to complete a vehicle inspection report. The Statement of Claim before this Board is for time spent completing the vehicle report prior to reporting for duty.

Furthermore, there is nothing within the Submission that supports the Statement of Claim. There is some reference to an alleged harassment suit to be filed against various individuals but no specifics, no arguments and no rules have been cited that do in any way support that which is claimed.

Because of the inconsistencies in the Individual's position before the Board and the extreme variance between the on property handling and the "Claim" advanced to the Board, the Board has no other alternative than to dismiss the Claim in its entirety. Claimant has not supported his position and has failed to provide this Board with evidence of a Rules violation.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Catherine Loughrin
Catherine Loughrin Interim Secretary to the Board

Dated at Chicago, Illinois, this 15th day of March 1994.